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REMARKS

Claims 22-28 are pending. Claims 22-24 and 28 stand rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent 4,526,333 to Nakama *et al.* Claim 27 stands rejected as being unpatentable under 35 U.S.C. § 103(a) over Nakama *et al.* in view of U.S. Patent 4,442,994 to Logsdon. Applicant wishes to thank the Examiner for indicating that claims 25 and 26 would be allowable if rewritten in independent form.

Claims 22 and 23 have been amended to correct formalistic errors as suggested by the Examiner and to replace an incorrect term. Claim 25 has been rewritten in independent form as suggested by the Examiner. As claim 26 depends therefrom, claims 25 and 26 are allowable and therefore, are no longer at issue.

Applicant respectfully requests reconsideration of the rejections in view of the following arguments.

35 U.S.C. § 102

Applicant respectfully traverses the rejection of claims 22-24 and 28 as the rejection is based on either a misunderstanding of the cited reference and/or of the claims. Claims 22-24 and 28 stand rejected as being anticipated by Nakama *et al.* Independent claim 22 recites, amongst other elements, a connecting device "wherein spacing of the pipe from the surface is adjustable." The Examiner alleges that Nakama *et al.* discloses a connecting device whereby the spacing of the pipe from the surface is adjustable. However, referring to the figures in Nakama *et al.*, and as indicated by the Examiner, more particularly Figure 6, the device does not

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provide wherein spacing of the of the pipe from the surface is adjustable. Nakama *et al.* does not disclose any functionality wherein the pipe can be adjustably spaced from the surface B. In fact, Nakama *et al.* exclusively discloses a device that retains a pipe at a single position relative to the surface B. None of the components of the device in Nakama *et al.* permit the pipe to be spaced adjustably from the surface B. Therefore, Nakama *et al.* fails to disclose each element as recited in claim 22. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987).

Consequently, claim 22 is not anticipated by Nakama *et al.* and is therefore allowable.

As claims 22-24 and 28 more specifically recite the structure of independent claim 22, they are also allowable.

35 U.S.C. § 103

Claim 27 stands rejected as being unpatentable under 35 U.S.C. § 103(a) over Nakama *et al.* in view of Logsdon. The Examiner correctly acknowledges that Nakama *et al.* fails to disclose the base, spaced sides, and inwardly turned ends of the second part including ribs.

Claim 27 depends from independent claim 22. As argued *supra*, Nakama *et al.* fails to disclose a device "wherein spacing of the pipe from the surface is adjustable" as recited in independent claim 22. Logsdon adds nothing in this regard. As Nakama *et al.* alone or in combination with Logsdon fails to disclose or suggest each and every element of independent

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claim 22 and claim 27 more specifically recites the structure of claim 22, claim 27 is allowable and not unpatentable.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration of the rejections of claims 22-28, and the allowance of the case.

Respectfully Submitted,

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April 2, 2004